

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:23-cv-00103-JRG-RSP

JURY DEMANDED

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Local Patent Rule 4-3, and the Court’s Docket Control Order (Dkt. 63), Plaintiff Headwater Research, LLC (“Headwater”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Defendants” or “Samsung”) (all together, the “parties”) respectfully submit the following Joint Claim Construction and Prehearing Statement.

I. AGREED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(1))

The parties have not identified any agreed claim constructions.

II. DISPUTED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(2))

The parties’ proposed constructions of disputed terms are provided in the chart below. The parties’ proposed constructions are also set forth in the accompanying Exhibit A, along with the intrinsic and extrinsic evidence on which the parties intend to rely. In support of Samsung’s proposed constructions, Dr. Donald Turnbull’s expert declaration and CV are also being served upon Headwater in accordance with P.R. 4-3(b).

A. U.S. Patent No. 8,406,733

Term No.	Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
1	device agents	Not indefinite; plain and ordinary meaning.	Indefinite.
2	wherein the particular device agent is configured to assist in presenting a notification through the user interface, the notification based on the message content	Not indefinite; plain and ordinary meaning.	Indefinite

B. U.S. Patent No. 9,198,117

Term No.	Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
3	device messaging agents	Not indefinite; plain and ordinary meaning.	Indefinite.
4	at least one of the devices having a network stack in communication with the device messaging agent, wherein the secure connection between the network message server and that device is terminated within the network stack	Not indefinite; plain and ordinary meaning.	Indefinite

C. U.S. Patent No. 9,615,192

	Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
5	software components	Not indefinite; plain and ordinary meaning.	Indefinite.
6	wherein one of the message delivery triggers is the receipt of a transmission on the respective secure message link from the device link agent of the given one of the wireless end-user devices, or	Not indefinite; plain and ordinary meaning.	Indefinite

	a response generated to a transmission received from that device link agent		
7	wherein one of the message delivery triggers is the receipt of a particular network element message from one of the network elements	Not indefinite; plain and ordinary meaning.	Indefinite

III. ANTICIPATED LENGTH OF TIME NEEDED FOR THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(3))

The parties estimate that two hours will be needed for the claim construction hearing. The parties agree that each side will be allocated half of the total time permitted for the hearing.

IV. PROPOSED WITNESSES TO BE USED AT THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(4))

No party proposes to call witnesses at the claim construction hearing.

V. OTHER ISSUES TO BE ADDRESSED PRIOR TO CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(5))

The parties are not currently aware of any issues that they would propose taking up at a prehearing conference prior to the claim construction hearing.

Dated: April 29, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on April 29, 2024.

/s/ Marc Fenster
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